

*The desamortización in the  
Sultepec District.  
The Policy of Privatisation of Communal  
Landholdings in Mexico, 1856-1911\**

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In 1873 a certain Nieves Salvador, from the village San Simon Sosocoltepec in the municipality of Amatepec, approached the administrator of Sultepec, a mountainous district in Central Mexico. He claimed to be born and bred in his village and to have possessed a plot of land since time immemorial, inherited from his ancestors. He said that he could prove this in writing. The land in fact consisted of two parts: one in which could be sowed half a *fanega* of maize and another with an orchard which could be irrigated. He asked the district administrator (*jefe político*) to grant him the ownership of these plots, in accordance with the law on privatisation of June 25th 1856.

The *jefe político* of Sultepec sent the request to Amatepec town hall, where it had to be determined whether the claim of Nieves Salvador could be granted and at what price. This was established by the mayor of Amatepec, who went to visit the plots with his secretary and estimated their value at sixty pesos. He explained this valuation by stating that the ground could not be sown annually. The following description was given of the boundaries of the terrain:

«On the east side the terrain borders on a field which is called "Coyotes", on the west side on a number of ravines, on the north side on an orange tree, on the south side on a low rock on which oaks grow.»

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\* This paper was presented at the 1994 Conference of the Society for Latin American Studies, (Liverpool, 25-27 March, 1994).

The file was then returned to the *jefe político*, who subsequently gave orders to hand the title to Nieves Salvador.<sup>1</sup> This one-page form only left room for a brief summary of the personal data of the new owner and the location, value and agrarian capacity of the land.<sup>2</sup>

Through this simple procedure, which could be completed within a few weeks, the members of the land-owning communities could become owners of the plots they had been using until then. This arrangement resulted from the federal privatisation law of June 25th 1856, the "Ley Lerdo", named after the responsible minister, the liberal Miguel Lerdo de Tejada. The law provided that the real estate of clerical as well as civil institutions should be privatised before long. To this end, the users could lay claim to these properties. If a building or a plot of land had no tenant, or if the tenant did not want to obtain the property, an auction had to be organised. Only buildings and plots which the institutions used themselves, such as churches, hospitals, town halls and market places, were exempted. As far as the villages were concerned the waste land (*ejido*) and the village site (*fundo legal*) were exempted from privatisation.<sup>3</sup>

The Ley Lerdo was part of a drastic social reform programme of the so-called «Reforma» government, which had seized power in 1855 after a year of revolution. The privatisation of the communal landholdings had been a long cherished liberal ideal. The fact that a specific group had sole access to the communal fields seemed to be in conflict with the principle of civil equality. Besides, the liberals also saw the common ownership of land as an obstacle for economic development. They assumed that the commoners (*comuneros*) had little interest in investing in their land and that development and social prosperity would benefit the most from private property. As early as 1812 these considerations had led the *Cortes* of Cádiz to introduce privatisation laws for the entire Spanish Empire. After Mexico gained independence, such laws were issued in several states of the Federal Republic.

These early *desamortización* measures however, were stifled by the political turbulence of the young republic. The Ley Lerdo also threatened to perish in the political struggle. The liberal attack on the position of the Church and the army developed into a civil war between liberals and conservatives. European powers sent an intervention force and only after the liberals had defeated the Austrian

<sup>1</sup> Archivo Municipal de Sultepec (A. M. S.): *Tierras*, caja 1, exp. IX.

<sup>2</sup> A. M. S.: *Tierras*, c. 1, exp. II. Frank SCHENK: «Dorpen uit de dode hand: De privatisering van het grondbezit van agrarische gemeenschappen in het district Sultepec, Mexico (1856-1893)», M. A. Thesis, Leiden, 1986, p. 65. Similar titles were used in other districts and states. See: Antonio HUITRÓN HUITRÓN: *Bienes comunales en el Estado de México*. Toluca, 1972, apéndice 3 and Frans J. SCHRYER: *Ethnicity and Class Conflict in Rural Mexico*. Princeton, 1990, p. 97.

<sup>3</sup> Manuel FABILA: *Cinco siglos de legislación agraria en México (1493-1940)*, I. México, 1981, pp. 103-106. The most complete collection of legislation (until 1893) in respect of the Ley Lerdo is: Luis G. LABASTIDA: *Colección de leyes, decretos, reglamentos, circulares, órdenes y acuerdos relativos a la desamortización de los bienes de corporaciones civiles y religiosas y a la nacionalización de los que administraron las últimas*. México, 1893.

archduke Maximilian in June 1867 did the warfare come to an end. However, domestic political strife still continued during the so-called Restored Republic (1868-1876). Struggles between rebelling liberal leaders resulted in civil wars again and, in the absence of a central authority, riots and banditism were almost endemic. Only during the Porfiriato (1876-1911), the long reign of Porfirio Díaz and his protegé Manuel González (1880-1884), did political struggle die down. Especially during the decades after his return to the presidency, Díaz managed to strengthen his control over the nation. About 1890 the federal government came up with new legislation to restart the privatisation process, as had already been done in several states.

In other words the Ley Lerdo had a most unfortunate start. However, even in a calm political climate, the Ley Lerdo would have caused a lot of commotion. The text of the drastic and complicated law and its regulations were not clear at all and had no relation with the practice of communal landholding. In the months after the law was issued civil servants were bombarded with questions for clarification from all over the country. It could be asked whether they themselves really understood the law.<sup>4</sup>

The severest shortcoming of the law was the bad timing. Private persons were summoned to claim the properties within three months, although the political problems were far from solved. The local and regional authorities were instructed to support the procedure at a time when they had not the faintest idea what communal holdings existed. Since there was no register, there was not sufficient information. There was scanty response from the municipalities to several attempts by the government at making an inventory of properties and the information that was given was often unreliable. Besides, the properties were often subject to controversies between different communities and between villages and private persons. Such dragging conflicts, which mostly originated from colonial times, flared up wherever boundaries were to be established as was the case in the ordered privatisation.<sup>5</sup>

This lack of clarity with regard to both communal landholding and the legislation led to the following questions:

- What land was to be privatised?
- How was privatisation to be executed?
- Who was to take the initiative and who was responsible?
- What were the results?

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<sup>4</sup> T. G. POWELL: *El liberalismo y el campesinado en el centro de México (1850 a 1876)*. México, 1974, p. 77; LABASTIDA: *Colección*, pp. 23-107; Charles R. BERRY: *The Reform in Oaxaca. A microhistory of the Liberal Revolution*. Lincoln, 1981, pp. 139-140; Donald J. FRASER: «La política de desamortización en las comunidades indígenas, 1856-1872», *Historia Mexicana*, 22 (1972), pp. 615-652; pp. 631-634.

<sup>5</sup> To get an impression of the persistence of these border conflicts between villages, see, e. g.: Philip A. DENNIS: *Intervillage Conflict in Oaxaca*. New Brunswick and London, 1987 *passim*.

For a long time only the last question seemed to have been answered in a series of publications of mainly North American authors in the decades after the revolution. The *desamortización* had led to a disaster: large landowners, speculators and local elites had taken possession of the village property. The bulk of the *comuneros* were proletarianized and were forced to work on the expanding *haciendas* and in the emerging industry. Their landlessness was the main reason for the armed participation of the villagers in the Mexican Revolution.

The picture of villagers being massively robbed of their land has been moderated by others. In 1923 McBride pointed out the regional differences as far as the continuation of communal landholding was concerned. In the relatively populous states of Mexico and Michoacan and also in the state of Veracruz, an estimated third part of the rural population would have had communal property in 1910. In the state of Oaxaca this part is assumed to be even higher.<sup>6</sup> Later Miranda presented an even more positive picture. About forty percent of the communities had allegedly been able to keep their land through passive and active resistance against the privatisation.<sup>7</sup> Until today, this latter percentage, which was never accounted for by Miranda, regularly appears in the historical literature. At the same time others have rightly emphasized that for want of more regional research little can be said about the extent of the *desamortización* and the landlessness of the villagers on the eve of the Revolution.<sup>8</sup>

In this paper we shall deal with the first three questions posed: What land had to be privatised, how and by whom? We shall also look at the reactions of the communities. We shall be using the national and state legislation as well as several surveys in this field and the original *desamortización* files for the district of Sultepec, which were compounded by the authorities at the municipal, district and state levels. These files not only reveal the ways in which the communities resisted the *desamortización* of their property but also the fact that this resistance was boosted by the weakness of both institutions and legislation.

## THE SULTEPEC DISTRICT

The mining town of Sultepec, in the south-west of the present state of Mexico, used to be the centre of the legendary Silver Province (Provincia de la Plata) in early colonial times. This province was situated among other mining towns,

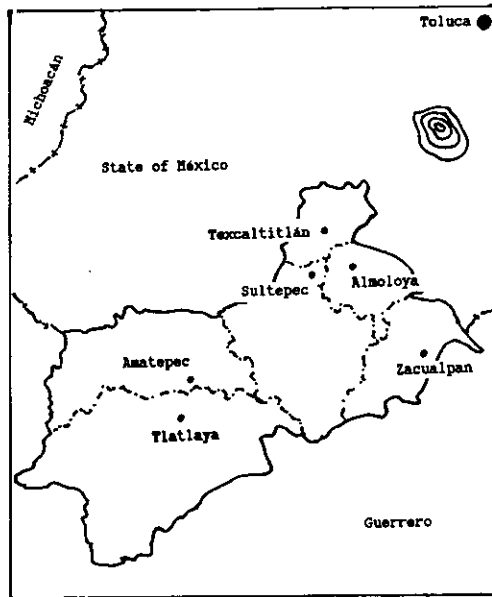
<sup>6</sup> George McCUTCHEN MCBRIDE: *The Land Systems of Mexico*. New York, 1923, pp. 139-156.

<sup>7</sup> JOSÉ MIRANDA: «La propiedad comunal de la tierra y la cohesión social de los pueblos Indígenas Mexicanos», *Cuadernos Americanos* 149 (1966), pp. 168-182.

<sup>8</sup> François-Xavier GUERRA: *Le Mexique de l'ancien régime à la Revolution I*. Paris, 1985, pp. 211-212; and II, pp. 472-489; Jean MEYER: «Haciendas y ranchos, peones y campesinos en el Porfiriato. Algunas falacias estadísticas», 35 (1986), pp. 477-510; Frank SCHENK, «Jornaleros y hacendados. La distribución de la propiedad de la tierra en el suroeste del Estado de México hacia 1900», in *Haciendas, pueblos y comunidades*, ed. Manuel Miño Grijalva. Mexico, 1991, pp. 230-269; Alan KNIGHT: *The Mexican Revolution I*, Cambridge, 1986, pp. 78-80, 96-97.

such as Zacualpan and Taxco, to the south of the volcano Nevado de Toluca on the south-western slopes of the Mexican central plateau. After independence the silver industry was never to see much prosperity again, despite the fact that there always remained some activity in the hope of new bonanzas. In 1833 Sultepec became the capital of the district of the same name. After the redrawing of some municipal boundaries and the foundation of two new municipalities, an administrative division emerged in 1872 with six municipalities (named after their capitals) which would persist until the Revolution: Sultepec, Texcaltitlán, Almoloya, Zacualpan, Amatepec and Tlatlaya.<sup>9</sup> The first four of these municipalities are situated in the eastern part of the district and had the strongest connection with the silver mining industry. In early colonial times, *mercedes* were granted around these mining centres which developed into private property. In the municipalities of Amatepec and Tlatlaya, but also outside the immediate surroundings, of the mining towns Sultepec and Zacualpan, the communal landholding of villages as well as smaller communities without village status (*rancherías*, *cuadrillas*, *barrios*) had an important place. There were few large landowners in the district, with the exception of the municipality of Amatepec which counted a dozen small cattle *haciendas* (none of which exceeded 200 hectares).<sup>10</sup>

According to the census of 1900, the district had a little more than 65,000 inhabitants. The area was estimated at 2,750 km<sup>2</sup> and the population density was among the lowest in the state. In this year the number of inhabitants of the district capital, the *villa* of Sultepec, fell below that of the *pueblo* Zacualpan, which had more than 3,000 inhabitants. Except for the big Indian village of Pozontepec the remaining other villages (46 in all) and settlements (78) were substantially smaller.<sup>11</sup>



The Sultepec district and its municipalities about 1900

<sup>9</sup> Marta Patricia ZAMORA P.: «Acontecimientos militares y políticos en la región de Sultepec», in *Sultepec en el siglo XIX*, ed. Brígida von Mentz. México, 1989, pp. 65-75.

<sup>10</sup> SCHENK: «Jornaleros», 1991, pp. 240-269.

<sup>11</sup> *Concentración de los datos estadísticos del Estado de México en el año de 1900*. Toluca, 1901, pp. 13-79.

The mountainous district descends from the mining area in the east at about 2000 meters (*tierra fría*), towards the southwest where in the municipality of Tlatlaya the lowest valleys are at approximately 500 meters (*tierra caliente*). Both internal communications and contacts with the central valleys were difficult. There was no cart track and goods had to be transported to and from Toluca by mules. The journey past the volcano took at least three days.<sup>12</sup> Telegraph and telephone connections were limited as well. It was not until the eighties that the first lines were laid while direct communication with Toluca, the seat of the state government, was realized only after the turn of the century.<sup>13</sup>

## COMMUNAL PROPERTIES

The Ley Lerdo banned the property of real estate by all civil institutions with an indefinite or eternal existence. Because of that the law applied to nearly all forms of settlements with or without village status and with or without titles.<sup>14</sup> The legislation implicitly linked to colonial regulations for Indian villages, the *pueblos de indios*. In practice the legislators used a Spanish-colonial classification of the properties, but this classification was layed down officially only in the nineties.<sup>15</sup>

The land owned by the village was divided according to these regulations into four classes:

- The *fundo legal*, the village or town site itself, was exempted from privatisation. As under colonial law, in the nineteenth century, too, villages could lay claim to a *fundo legal* of 101 hectares as the minimum area for settlement.
- The *terrenos de común repartimiento*, which were owned communally but divided among the heads of the families of the village for cultivation.
- The *ejido*, land belonging to the village community and used jointly for pasture, fuel, water and building material.
- The *propios*, those parts of the village territory that offered an income for the village coffers because they were cultivated jointly or, more often, rented to villagers or outsiders.

<sup>12</sup> SCHENK: «Jornaleros», 1991, pp. 243-244; Andrés MOLINA ENRÍQUEZ: «Expedición de estudio del Museo Nacional de Arqueología, Historia y Etnografía al antiguo Mineral de Sultepec, Estado de México. Informe oficial», *Anales del Museo Nacional de Arqueología, Historia y Etnografía* 7 (Cuarta Época, 1931), pp. 82-88.

<sup>13</sup> Archivo Histórico del Estado de México (AHEM) C. 079.0, vol. 162, exp. 1; *Datos estadísticos 1900*, pp. 142-145.

<sup>14</sup> Andrés MOLINA ENRÍQUEZ: *Los grandes problemas nacionales*. First published Mexico, 1909, revised edition, México, Ed. Era 1978, imp. 1983, pp. 122-123.

<sup>15</sup> LABASTIDA: *Colección*, pp. 19-23, 48-49; Wistano Luis OROZCO: *Los ejidos de los pueblos*. Originally published as *La organización de la República*, Guadalajara, 1914, revised edition Ed. El Caballito, Mexico, 1975, pp. 47-48.

In addition, many villages reserved or leased fields on behalf of the local *cofradías*, the religious brotherhoods, which spent their income on religious ceremonies and feasts. Sometimes these fields were officially recognised by Church and civil authorities as dedicated to a patron or a pious fund. In that case they could be considered as belonging to the Church. But most *cofradías* in the small rural villages were not recognised officially. In fact their property was part of the communal holdings.

Colonial lawsuits show that in the central valleys not only the village territories as a whole but also the different parts of it often were measured precisely and registered in great detail. Sometimes villages were situated so close to one another that there was hardly any space for *fundos legales*<sup>16</sup>. The differences between the villages concerning their territory were enormous. Some of them possessed valuable *haciendas* and *ranchos*<sup>17</sup>. Outside the central valleys in particular the properties could be very extensive<sup>18</sup>. San Simon Sosocoltepec, the village of Nieves Salvador, and its headtown (*cabecera*) Amatepec each owned an area for over 100 km<sup>2</sup>. The same was true for the village of Santa Ana in the municipality of Tlatlaya<sup>19</sup>. The villages of San Miguel Totomoloya in the municipality of Sultepec and Huisoltepec in Zacualpan each had an area of approximately 80 km<sup>2</sup>.<sup>20</sup>

With these extensive village territories the difference between the above-mentioned classes tended to be vague or in many cases did not even exist. Patterns of land use characterized by shifting cultivation caused boundaries between waste land and *común repartimiento* to be flexible. The *fundo legal* was often used for cultivation and could form part of the *común repartimien-*

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<sup>16</sup> Arij OUWENEEL: *Onderbroken groei in Anáhuac. De ecologische achtergrond van ontwikkeling en armoede op het platteland van Centraal-Mexico (1730-1810)*, Amsterdam, 1989, pp. 149-178.

<sup>17</sup> Delfina LÓPEZ SARRELANGUE: «Una hacienda comunal indígena en la Nueva España: Santa Ana Aragón», *Historia Mexicana* 32:1 (1982), pp. 1-38; Andrés LIRA: *Comunidades indígenas frente a la ciudad de México: Tenochtitlan y Tlatelolco, sus pueblos y barrios, 1812-1919*, México and Zamora, 1983; *Memoria presentada al Exmo. Sr. Presidente Sustituto de la República por el C. Miguel Lerdo de Tejada dando cuenta de la marcha que han seguido los negocios de la hacienda pública, en el tiempo que tuvo a su cargo la secretaría de este ramo*, México, 1870, pp. 170-532 (Documento número 149).

<sup>18</sup> OROZCO: *Los ejidos*, p. 192; John TUTINO: *From Insurrection to Revolution in Mexico. Social bases of Agrarian Violence, 1750-1940*, Princeton, 1986, p. 140; Jan BAZANT: «México from Independence to 1867», in *The Cambridge History of Latin America III*, ed. Leslie BETHELL, Cambridge, 1985, pp. 423-470, p. 456; Jean MEYER: «La Ley Lerdo y la desamortización de las comunidades en Jalisco», in *La sociedad indígena en el centro y occidente de México*, ed. Pedro Carrasco, et al. Zamora, 1986, pp. 189-211, p. 192; Moisés GONZÁLEZ NAVARRO: «Indio y propiedad en Oaxaca», *Historia Mexicana* 8:2 (1958), pp. 175-191, p. 181-182.

<sup>19</sup> Rodolfo ALANÍS BOYZO: «Amatepec en 1826, notas estadísticas», *Boletín del Archivo General del Estado de México*, número 9 (sept.-dec. 1981), pp. 3-58.

<sup>20</sup> SCHENK: «Dorpen», 1986, p. 108. Archivo Municipal de Zacualpan (A. M. Z.): *Tierras*, c. 1, exp. III.

to.<sup>21</sup> In contrast, however, plots of good quality were often passed on from father to son and were more or less considered as private property. Whether a plot was seen as *propio* or belonging to a *cofradía* depended on its use. If a field was leased it became *propio*, but if no tenant could be found it could be used, for example, as *ejido*. The term *ejido* was rarely used in the district of Sultepec. With the exception of possible *propios* hardly any distinction was made between the various classes. People mostly used generic terms such as «*terrenos*», «*tierras*» or «*común*» of a certain village.

In the state of Mexico the status of the village property was ambiguous. Although actual ownership belonged to the villagers, land property was supposed to be represented by the authorities of the municipality in which the village was situated.<sup>22</sup> These local authorities were entitled to the income of the villages out of the *propios*. In that way the municipality of Tlatlaya taxed the villages with fixed fees for income out of tenancy.<sup>23</sup> The *desamortización*-files show that the villages in the municipalities of Tlatlaya, Amatepec and Sultepec enjoyed much freedom in the tenancy of «their» property and that these municipalities could not keep proper control, not even after the Ley Lerdo was introduced. Until the beginning of the twentieth century the tenants of those privately leased plots tried to gain title to the land by means of claims. These claims in particular would be opposed vehemently by the villages involved.<sup>24</sup>

The lack of clarity and of uniformity concerning the status of the communal landholding, which continued after the Ley Lerdo took effect, becomes obvious from the almost desperate reaction of emperor Maximilian's government to an investigation into the matter of village property. The government complained about the lack of uniformity of the legislation since some places still used the colonial legislation, some the laws of the republic before the Reform, and some the Ley Lerdo. Therefore the local authorities in Zacualpan were asked whether the Ley Lerdo was enforced in their municipality. Their answer was not very hopeful. The mayor wrote that he could not answer the question. He added that the municipality had no copy of the law nor of its regulations because «they had got lost in the violence of the war.»<sup>25</sup>

<sup>21</sup> Stephanie WOOD: «The *fundo legal* or Lands *por razón de pueblo*: New Evidence from Central New Spain», in *The Indian Community of Colonial Mexico. Fifteen Essays on Land Tenure. Corporate Organizations, Ideology and Village Politics*. Ed. Arij Ouweneel and Simon Miller. Amsterdam, 1990, pp. 117-129; The privatisation files for Sultepec contain many examples of arable land adjoining the main churches in the heart of the villages and used by individual commoners. A. M. S.: *Tierras*, c. 3, exp. III and VII.

<sup>22</sup> Antonio HUITRÓN HUITRÓN: *Bienes comunales en el Estado de México*. Toluca, 1972, pp. 20-21.

<sup>23</sup> Archivo General de la Nación (AGN): Ramo de Ayuntamientos, vol. 57.

<sup>24</sup> A. M. S.: *Tierras*, c. 1, exp. XXII, c. 3, exp. VII, c. 5, exp. II.

<sup>25</sup> A. M. Z.: *Tierras*, c. 1, exp. II.



## LEGISLATION

The fact that the Ley Lerdo hardly produced any direct results with regard to the village properties was a reason for the jurist Andrés Molina Enríquez, critic of the Díaz administration and later a prominent revolutionary intellectual, to question whether that privatisation had ever really been pursued by the leaders of the Reform. He suggested that the legislators of the Reform had just wanted to hit the Church but that they had deliberately wrapped this intention in more general legislation.<sup>26</sup> This assumption has been adopted by the «classical authors» in their assertion that the attack on the communal landholdings was in fact started under Díaz. Fraser however, has convincingly rejected this hypothesis. He pointed to the long history of the *desamortización* ideals in the writings of the Mexican liberals and to the measures taken by the leaders of the Reform after the promulgation of the Ley Lerdo.<sup>27</sup> Legislation by several states enacted during the Restored Republic confirm Fraser's position. Even as early as 1867 and 1868, laws were promulgated in these states to restart the privatisation of the communal landholdings. The leading politicians behind these laws were often the same liberals who had supported the Reform.<sup>28</sup>

These laws also clarify another aspect of the *desamortización*: the question whether the exemption of privatisation of *ejidos*, as formulated in article 8 of the Ley Lerdo, was withdrawn by the general prohibition on communal landholding according to article 27 of the Constitution of 1857. This prohibition itself was formulated clearly enough and the opinion of the lawyers of the Díaz government, but also of the Agrarian Commission of 1912, was that the legislation banned the continuation of *ejidos*. This interpretation is generally accepted, also in historiography.<sup>29</sup> As early as 1961, however, Reyes Heróles rejected this «traditional interpretation». Apart from legal arguments he pointed out that many members of the Chamber of Deputies, which approved the Ley Lerdo in June

<sup>26</sup> MOLINA: *Los grandes problemas* (1978), 1983, pp.114-116.

<sup>27</sup> FRASER: «La política de desamortización», 1972, *passim*.

<sup>28</sup> For this legislation in the state of Puebla (1867) see for example: Guy P. C. THOMSON: «Agrarian conflict in the municipality of Cuetzalán (Sierra de Puebla): The rise and fall of "Pala" Agustín Dieguillo, 1861-1894», *Hispanic American Historical Review*. 71:2 (1991), pp. 205-258, p. 222; For Tlaxcala (1868) see: Ton HALVERHOUT: «De macht van de cacique. De privatisering van het grondbezit México», M. A. thesis Amsterdam, 1990, pp. 31-32; For Michoacán (1868): Robert J. KNOWLTON: «La división de las tierras de los pueblos durante el siglo XIX: el caso de Michoacán», *Historia Mexicana* 40:1 (1990), pp. 3-25, pp. 6-7; For the state of Mexico (1868, so including the states of Morelos and Hidalgo): HUITRÓN: *Bienes comunales*, 1972, p. 137; For Jalisco (1868): Robert J. KNOWLTON: «La individualización de la propiedad corporativa civil en el siglo XIX, notas sobre Jalisco», *Historia Mexicana* 28:1 (1978), pp. 24-61, p. 59; For a critical comment on this state legislation see: OROZCO: *Los ejidos*, 1975, p. 191.

<sup>29</sup> POWELL: *Liberalismo*, 1974, p. 82; MEYER, «La Ley Lerdo», 1986, p. 205; Margarita CARBÓ: «La Reforma y la Intervención: el campo en llamas», in *Historia de la cuestión agraria Mexicana*, II, ed. Enrique Semo, et al. México, 1988, pp. 82-174, p. 125. These publications are only mentioned here as examples of this generally accepted interpretation.

1856, had a seat in the Mexican Constitutional Congress, which met since February 1856. It seems improbable to him that they would have changed their opinion within a few days.<sup>30</sup> The *desamortización* laws of the states indicate that the assumptions of Reyes Heróles are correct. In Tlaxcala in January 1868 the *ejidos* were explicitly exempted from privatisation. In the state of Mexico the exemption was included in the decree of 12 April 1875. Allotments already granted were declared void because they violated «the letter and the spirit of article 8 of the law of June 25 1856».<sup>31</sup> In other words the liberal leaders in the state of Mexico referred to the Ley Lerdo and not to the federal Constitution. The same thing happened in the municipalities. The authorities in Zacualpan took the line that the *ejidos* and other terrains meant for public use were excluded from privatisation.<sup>32</sup>

Only around 1890 did the federal government promulgate instructions to the effect that *ejidos* should be privatised.<sup>33</sup> It needs further investigation to what extent these instructions were taken over by state authorities. In the state of Mexico this seems to have been the case, officially at least.<sup>34</sup> Anyhow it certainly was a state policy to stimulate the exploitation of wooded mountainslopes (*montes*) by the municipalities. These *montes* had usually been part of the waste lands of the villages. In these years they were more often let to tenants in order to strengthen the municipal finances.<sup>35</sup>

At the start of the twentieth century, the Díaz government moderated the *desamortización* policy. The Constitution of 1857 was amended in 1901 so that civil institutions had more possibilities to own or administer properties with a public function.<sup>36</sup> In 1909 new conditions were set to the privatisation of *ejidos* in order to put speculation under restraint. This was in conformity with the repeatedly

<sup>30</sup> Jesús REYES HERÓLES: *El Liberalismo Mexicano*. 3 vols., México, 1961, III, pp. 636-638.

<sup>31</sup> HUITRÓN: *Bienes comunales*, 1972, pp. 138-140.

<sup>32</sup> A. M. Z.: *Tierras*, c. 1, exp. VII.

<sup>33</sup> Resolutions of the Secretary of Economic Affairs (*Fomento*), of 30-8-1888 and 28-10-1889. LABASTIDA, *Colección*, 1893, pp. 45-48; Law on unclaimed lands (*baldíos*) of 26-3-1894, WISTANO LUIS OROZCO: *Legislación y jurisprudencia sobre terrenos baldíos*, 2 vols. México, 1895, new impr. 1974, I, pp. 337-444.

<sup>34</sup> AHM: C. 079.0, v. 159, exp. 19. Distribution under the *jefes políticos* of the federal circulars of 1889 with an instruction to comply with the content of these circulars; A. M. S.: *Tierras*, c. 3, exp. V, Distribution of the law of 26-3-1894 together with a recommendation for a private firm which offered to assist the municipal governments in the legal procedures. Ricardo Ávila mentions that José Vicente Villada (1889-1904), directly after his installation in March 1889, issued a ban on the division of the *ejidos*. The above-mentioned instructions accompanying the circulars of 1889 indicate that, when Ávila is right, the Villada government has changed this policy within a few months. Ricardo Ávila, «“¿Así se gobierna señores!”: El gobierno de José Vicente Villada», in *The Revolutionary Process in Mexico. Essays on Political and Social Change, 1880-1940*, ed. Jaime E. Rodríguez O. Los Angeles, 1990, pp. 15-31, p. 22.

<sup>35</sup> A. M. S.: *Tierras*, c. 3, exp. IV; AHM, C. 737.9, v. 1, exp. 40, 45 and 51.

<sup>36</sup> OROZCO: *Los ejidos*, 1975, p. 193; Donald Fithian STEVENS: «Agrarian policy and instability in Porfirian Mexico», *The Americas* 39:2 (1982), pp. 153-166, p. 162.

expressed motive that the peasants themselves should benefit from privatisation. Now they were —ironically enough in contrast with the liberal principles— explicitly protected. The ownership of the privatised lands was linked to the obligation to cultivate the land. Moreover it was prohibited to lease or sell the land for a period of ten years.<sup>37</sup>

This form of protecting the property of the mostly illiterate commoners was not new anyway. We can recover such protective and discriminating regulations in early state legislation, like that of Michoacan.<sup>38</sup> Lerdo de Tejada took comparable measures within a few months after the enactment of his law. In October 1856 the three-months term for the implementation of the law «for Indians and other needy peasants» was suspended. If the value of their plots did not exceed 200 pesos these could be allocated in a simple way, free of taxes and other levies. Allotment to third parties was not allowed, unless explicit permission was granted by the original users. The government thus intended to «protect» them from being taken advantage of, particularly by «speculators»<sup>39</sup> Although on the one hand they were exempted from taxes to stimulate the privatisation of these plots, on the other hand, the pressure on owners to cooperate with privatisation was substantially relaxed. The threat that they would lose their land was withdrawn. Legally speaking, the owners of communal land who were not interested in privatisation could sit back without taking any initiatives themselves.

The valuation of plots that were to be privatised has always given cause for confusion, both among historians and among contemporaries. The value had to be determined on the basis of the amount previously paid to the institution for lease. When ownership was transferred, the new owner was indebted to the institution for the value of the property. However, he was under no obligation to pay off his debt. It was sufficient if he paid an interest equal to the previous lease and also of 6% of the total value. There was certainly no obligation to buy the property at a fixed price. Powell's remark that the majority of the Indians could only afford a small plot and in the worst case not even that is based on an incorrect interpretation of the law.<sup>40</sup>

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<sup>37</sup> OROZCO: *Los ejidos*, 1975, pp. 172-173, 187; STEVENS: «Agrarian policy», 1982, pp. 162-163.

<sup>38</sup> GONZÁLEZ NAVARRO: *Anatomía*, 1975, pp. 143-144.

<sup>39</sup> Resolución de 9 de octubre de 1856, LABASTIDA, *Colección*, 1893, pp. 13-14.

<sup>40</sup> POWELL: *El Liberalismo*, 1974, pp. 78-79; Powell refers to the *Memoria de Hacienda* of 1857, but this document (*documento 149*) lists the privatisation of mainly *propios* and *cofradías* and does not offer any information about the size of the individual plots, wealth or race of the buyers, as suggested; However, his interpretation has been cited frequently, for example: Richard N. SINKIN: *The Mexican Reform, 1855-1876. A Study in Liberal Nation-Building*. Austin, 1979, p. 172; Fernando ROSENZWEIG H.: «La formación del Estado de México, desde sus orígenes hasta 1940» in *Temas de historia Mexiquense*, ed. María Teresa Jarquín O. Toluca, 1988, pp. 252-280, p. 267; Romana FALCÓN, «Jefes políticos y rebeliones campesinas: Uso y abuso del poder en el Estado de México» in *Patterns of Contention in Mexican History*, ed. Jaime E. Rodríguez O. Irvine, 1992, pp. 243-273, p. 249.

The provision that the value should be based on the lease shows that the Ley Lerdo was tuned to the privatisation of real estate owned by the Church. The sum of 16 $\frac{2}{3}$ -times a known amount could easily be determined. However, for the *terrenos de común repartimiento* of the communities this provision could not possibly be implemented. It would mean that *terrenos* of the commoners, who generally contributed in kind to the coffers of their community, would have to be given a value on the basis of this contribution: e. g. 16 $\frac{2}{3}$  times the value of a load of hay, a turkey, a quantity of flowers and ten days of chores. Nonetheless, the legislator had really intended to implement such a taxation, as was made clear in a by-law of 30 July 1856, which described the assessment on the basis of services rendered and gifts provided as payment in kind. There was even a procedure for arbitration in case of a conflict between claimant and institution about the result of such an assessment.<sup>41</sup> In the state of Mexico these rules turned out to be almost impossible to implement. The government in Toluca complained in 1871 that it was impossible to collect data in order to determine what services the *comuneros* had provided. Therefore, the regulations were put aside and assessments were made on the basis of the size of the land and the quality of the soil.<sup>42</sup>

In several respects it was virtually impossible to implement the Ley Lerdo. The treatment of the claims was left to the governments of the states, districts and municipalities, without any indication as to who would bear the cost of the procedure. There were no rules for measurement of the plots and no expertise either. For example, a few years before the Ley Lerdo the entire state of Mexico (which at that time also contained the states of Morelos and Hidalgo) had only one surveyor.<sup>43</sup> The council of Zacualpan, which was made up of unpaid officials, as was common, reported in 1865 that it had little information about the property of the villages under its authority and that for lack of a surveyor it could not make an inventory.<sup>44</sup> Against this background it is not surprising that before the outbreak of the civil war the Ley Lerdo achieved no results concerning the *terrenos de común repartimiento* of the villages and that the results with regard to the *propios* and *cofradía* land was very limited.<sup>45</sup>

## STATE-LEGISLATION

The laws promulgated by the states since 1867 and 1868 showed major deviations from the original Ley Lerdo. A vital point was the initiative to start the

<sup>41</sup> «Reglamento de 30 de Julio de 1856», LABASTIDA, *Colección*, 1893, pp. 9-32.

<sup>42</sup> *Memoria presentada a la h. legislatura del Estado de México, por (...) Mariano RIVA PALACIO (...)*, (Toluca 1971); Circular n.º 3, de la Secretaría General del Estado, 11 de enero de 1874, A. M. Z.: *Tierras*, c. 1, exp. II.

<sup>43</sup> *Memoria de hacienda del Estado de México presentada (...) en marzo de 1852* (Toluca 1852).

<sup>44</sup> A. M. Z.: *Tierras*, c. 1, exp. II.

<sup>45</sup> Molina ENRÍQUEZ: *Los grandes problemas* [1978], 1983, p. 124; *Memoria de Hacienda de 1857*, pp. 325-412.

procedure. Instead of requiring the individual user of a plot to file a claim, it was now provided that the *jefes políticos* and municipal authorities were to take the initiative to the disentailment in their jurisdictions. Another important provision was that this procedure should be organised for each community. Instead of the individual procedure of the Ley Lerdo, for each community a list of properties and a map should be supplied by surveyor (*perito*) who did not necessarily have to be certified. Based on this list, the *jefe político* could hand out the titles.<sup>46</sup> The obvious question was who would be eligible for a plot of the *común repartimiento* of the village and whether there should be a redivision. The state of Mexico issued far-reaching and less far-reaching instructions in this respect. In its 1875 decree it eventually opted for a moderate line. The division should in principle be based on the interests of the owners of a *terreno* and the most destitute inhabitants as candidates. Land owned by the state could also be allotted. The local council should pay attention to «equality and justice». This very general wording of the decree, which was to become the basis for further disentailment in the state, left a lot of room for villagers and councilors to divide the land according to their own wishes. They could decide to reallocate the land or base themselves on the existing pattern.<sup>47</sup>

The state decrees lowered the tax on privatised *terrenos de común repartimiento* from 6 to 3% of the assessed value in 1868 and to 0.8% in 1875. The tax burden would subsequently be brought to the state tax level for private real estate (1.1% in 1898).<sup>48</sup> Nonetheless, the *terrenos de común repartimiento* and the *proprios* continued to form a category that was taxed separately, since the revenues were to contribute to the municipal coffers, whereas other real estate taxes went to the credit of the states. Against a background of government being restored, the measures taken by the state authorities led to a first breakthrough in the *desamortización* of the *terrenos de común repartimiento*. In 1869 more than 65,000 plots were allocated with a total area of over 800 km<sup>2</sup>. A major part of these allotments took place in the valleys of Mexico and Toluca. However, in the south —western *falda*— districts, including Sultepec, no results were achieved.<sup>49</sup> The first organised allotments in the district did not occur until 1874 in the villages of Texclatlán and Zacualpilla.<sup>50</sup>

In the district of Sultepec the disentailment would virtually come to a standstill until the federal and state governments renewed the pressure to complete the privatisation programme, in 1889. Meanwhile the district authorities did

<sup>46</sup> Congreso del Estado de México, Decreto núm. 96 de octubre 20 de 1868, in HUITRÓN, *Bienes comunales*, 1972, p. 137; Circular de la Secretaría General del Gobierno del Estado de 21 de mayo 1871; *idem* de 11 de enero de 1874, A. M. Z.: *Tierras*, c. 1, exp. II and V.; For Tlaxcala: HALVERHOUT, «De Macht van de cacique», 1990, pp. 40-41.

<sup>47</sup> «Decreto de 12 de abril de 1875», HUITRÓN: *Bienes comunales*, 1972, pp. 138-140.

<sup>48</sup> SCHENK: *Jornaleros*, 1991, p. 259.

<sup>49</sup> *Memoria del Estado de México de 1869*. Toluca, 1870, pp. 29-30.

<sup>50</sup> SCHENK: *Toewijzingsprocedure*, manuscript of dissertation in progress.

grant a few dozen individual claims based on the principle of the Ley Lerdo. The Zacualpan council, however, for a long time refused to process these claims, since it alleged that they violated the division by community as ordered by the state government. Not much could be said against this interpretation of the law. It is remarkable that the municipalities were given room to pursue their own policies. However, as a result the privatisation in Zacualpan ended in stalemate, since a division organised by community did not materialise either.<sup>51</sup>

The federal circular of 1889 appealed to civil servants and judges to follow the procedure more carefully, particularly when handing out the titles. The measures taken during the government of *gobernador* José Vicente Villada (1889-1904) were in line with that circular. In 1889 and 1894 the state congress had granted the governor complete freedom in reforming the *desamortización* policy.<sup>52</sup> He came up with new regulations for the procedure and for the registration of the allotments. At the beginning of 1900 a special office was established in Toluca that had to approve all the new allotments. This «*Sección de Desamortización y División Territorial*» was part of the secretariat of the government.<sup>53</sup> One aspect of the allotment files which this office checked was whether it contained a simple plan of the plot applied for. The regulation that such a plan must be made was issued in 1904.<sup>54</sup> Together with other measures this meant a major improvement of the description and registration of the new properties.

In contrast with the legislation of the Reform and of the Restored Republic, the policies of Díaz and Villada put a major emphasis on a carefully executed privatisation. They obviously did not want to repeat past errors. The simple and speeded-up allotment procedures had led to a huge number of conflicts within and between communities. The archives of the *jefes políticos* in Sultepec are full of examples of such conflicts, which put a heavy burden on the council while at the same time posing a threat to public order. Villada was well aware that these conflicts could prove to be a powder keg. From early on his policies were characterized by a cautious approach, carefully avoiding the enforcement of privatisation in recalcitrant villages, but instead awaiting the moment that any advance could be made. In this respect his government showed great patience. The *jefes políticos* and the civil servants of the *desamortización* office acted as mediators in hundreds of difficult cases. Villada himself and his government council also acted as mediators in the land conflicts.<sup>55</sup>

<sup>51</sup> A. M. S., *Tierras*, c. 1, exp. XXI.

<sup>52</sup> HUITRÓN: *Bienes comunales*, 1972, p. 144.

<sup>53</sup> *Memoria que el ciudadano general José Vicente Villada presenta a la honorable legislatura del Estado de México, acerca de sus actos como gobernador constitucional durante el cuatrienio de 1897-1901*. Toluca, 1902, pp. 49-50.

<sup>54</sup> «Circular núm. 1 de la sección de gobernación de la Secretaría General» of 26 August 1904, A.M.S.: *Tierras*, c. 5, exp. II.

<sup>55</sup> ÁVILA: «Así», 22-23; *Memoria de Villada 1897-1901*, 49-50; A.M.S.: *Tierras*, ec. 4, exp. VI.

The result of this policy, however, was that the allotment procedures took more and more time. In the early twentieth century procedures in the Sultepec district were frequently held up because a new rule had to be complied with. Between claim and allotment many years could pass. The elaborate procedure also led to higher costs for the claimant. Expenses amounted to two or three pesos per person, but could also run higher. This was equal to between half a month's and a whole month's wages of a farm hand. Under Villada and his successor Fernando González (1904-1911) these costs continued to be charged to the commoners, giving them a strong argument to resist privatisation: their «notorious poverty and disfortune».<sup>56</sup>

## RESISTANCE

It is generally assumed that villagers opposed the privatisation. They would gain no land they did not already hold. In the short term the procedure would only entail substantial expense and trouble. But there was more to it. In those areas where bushfallow methods were used, the privatisation of certain parcels threatened to affect the necessary flexibility of the system. This threat also applied to privatisation of community pastures and woodlands. These lands were also part of an agricultural system connected with specific traditional rights. Changes of the rights regarding access to certain lands would put at least part of the villagers at a disadvantage.

The alienation of *ejidos* and community income properties, *propios* as well as *cofradía* lands, hit the territory and the autonomy of the communities. This not only had economic implications. The territory of the village also was the territory of the villagers and was part of their identity. They had been defending their lands against other villages and neighbouring estates. It used to be the land of their family, their leaders (*caciques, pasados*) and their patron saint.<sup>57</sup> Whenever they threatened to lose control over these areas, they offered resistance. Regularly, claims by outsiders were vehemently opposed.

The villages seldom seem to have been responding to the calls for *desamortización*.<sup>58</sup> Passive and active resistance seem to have been the rule rather than the exception. It is striking in this respect that the communities hardly ever joined hands. Probably this lack of co-operation had to do with the mutual animosity between many villages and their pending conflicts about common bounda-

<sup>56</sup> A.M.S.: *Tierras*, c. 4, exp. IV; CARBÓ: «La Reforma», 1988, p. 107.

<sup>57</sup> DENNIS: *Intervillage conflict*, 1987, *passim*.

<sup>58</sup> Charles R. BERRY: «The Fiction and the Fact of the Reform: the Case of the Central District of Oaxaca», *The Americas* 26 (1970) pp. 277-290; BERRY, 1981, *Reform*, pp. 176-177; Ian JACOBS: *Ranchero Revolt. The Mexican Revolution in Guerrero*. Austin, 1982, pp. 47-48; SCHENK: «Protest, vertragen en verzet», in preparation. These authors present some examples of seemingly co-operative villages.

ries.<sup>59</sup> Besides, it is remarkable that only few leaders are known who have guided the village resistance. From the files of Sultepec no *caciques* emerge who took the lead in this. They seemed to have played their part in the background. Anthropologists point out this withdrawn position could have been a deliberate choice.<sup>60</sup> The contacts with the authorities were usually maintained by the «assistant judges» (*jueces auxiliares*). These were appointed by the municipality for a period of one year as go-betweens between village and government. However, it is obvious from the documents that their loyalty was mainly to their village. In their function of village representative they allegedly played a prominent role in the resistance against *desamortización*.

The simplest form of resistance, which was very generally applied, not only in Sultepec but elsewhere as well, was a passive one: ignoring enquiries, appeals and legislation from the government. Especially in politically turbulent periods this method was applied with great success. Decrees from the federal or state government were ignored or drowned in a swamp of disinformation. This was especially the case in more peripheral regions.<sup>61</sup> A good example is the previously mentioned investigation of the government of Maximilian into the matter of commonly owned land. The Zacualpan council only cooperated with this investigation after being summoned to do so under the threat of a fine. Eighteen villages and communities in the municipality were subsequently asked to provide information, but only six villages would react. However, the local administrators presented their information to the government as complete.<sup>62</sup>

In 1874 the villages received an appeal from the governor shortly to present a list of people eligible for a plot of the *común repartimiento*. In the municipality of Zacualpan only the village of Zacualpilla responded to this call. Others used the traditional tactics of postponement. One *auxiliar* wrote that he could not manage to bring the villagers together in a meeting and another just mentioned that nobody in his village was interested. The inhabitants of the village of Huisoltepec agreed, but on condition that they would be the last village in the municipality to be privatised. The *jefe político* agreed to this and as result nothing happened.<sup>63</sup>

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<sup>59</sup> With regard to the independent position of Mexican villages in broader social conflicts, see, e. g., the anthropologists: DENNIS: *Intervillage Conflict*, 1987, pp. 7, 124-127, 132-133; James B. GREENBERG: *Blood Ties, Life and Violence in Rural Mexico*. Tucson, 1989; Philip C. PARNELL: *Escalating Disputes: Social Participation and Change in the Oaxaca Highlands*. Tucson, 1988, pp. 87-88; Frans J. SCHRYER: *Peasants and the Law: a History of Land Tenure and Conflict in the Huasteca*, *Journal of Latin American Studies* 18 (1986) pp. 283-311.

<sup>60</sup> DENNIS: *Intervillage Conflict*, 1987, ff. 135-140; PARNELL: *Escalating Disputes*, 1988, pp. 39-40; See also: BUVE: 'Development Policies', p. 10.

<sup>61</sup> Margarita MENEGUS BORNEMANN: 'Ocoyoacac: una comunidad agraria en el siglo XIX' *Estudios Políticos* V: 18-19 (1979) ff 81-112, p. 91; CARBÓ: *La Reforma*, 1988, p. 107.

<sup>62</sup> A.M.Z.: *Tierras*, c. 1, exp. II.

<sup>63</sup> A.M.Z.: *Tierras*, c. 1, exp. VIII.



Another appeal, later the same year, led the *juez auxiliar* to respond that cooperation could only be secured if a disputed piece of land would be added to the village.<sup>64</sup>

The councils were fairly powerless to do anything about such opposition. Ordering measurements and the division of land in a recalcitrant village was not only an expensive but also a risky venture, since it might well spark off a rebellion.<sup>65</sup> They justified themselves to the district administrators by pointing to their efforts to convince the villages and to the stubbornness of the villagers. Ten years after the important state decree of 1875 the mayor of Zacualpan wrote:

«I inform you that the villages of Huisoltepec, Teocalcingo, Mamatla and Ayotuzco have repeatedly been invited to act in accordance with the provisions of the decree mentioned but that the villagers have persisted in their refusal, arguing that the land they possess is their rightful property, since they have obtained it under colonial rule.»<sup>66</sup>

This was a rather hypocritical formulation. It may be assumed that the council of Zacualpan, as well as those of other municipalities, were implicated in dodging the *desamortización*. This occurred in the nearby mining village of Tecicapán, where inhabitants jointly pushed forward four representatives who were to claim a major part of the *terrenos de común repartimiento* without intending to change the use of the soil. When it was investigated whether this land could be allotted and when it was subsequently measured and assessed, this evasion undoubtedly came to light. Nonetheless, the council of Zacualpan approved the allotments to the four front men.<sup>67</sup>

This method of evasion, which has also been noted by Halverhout, Jacobs, and Schryer, was adopted several times in Sultepec.<sup>68</sup> Not only the local authorities but the *jefes políticos* and the state government, too, were aware of this but tolerated the practice.<sup>69</sup> In the case of the village of Xochitla in the municipality of Sultepec, the *jefe político* even intermediated between the villagers who had quarrelled about the use of their lands after an evasion they had organised. The lands had been allotted to seven representatives. However, some of them abused their position at the expense of other villagers. In 1887 the latter

<sup>64</sup> A.M.Z.: *Tierras*, c. 1, exp. IX.

<sup>65</sup> Thomson writes that the cost of *desamortización* in combination with the necessary presence of the military was too much for the municipality of Cuetzalán, THOMSON: 'Agrarian conflict' 1991, pp. 225-226.

<sup>66</sup> A.M.Z.: *Tierras*, c. 1, exp. XXI.

<sup>67</sup> A.M.Z.: *Tierras*, c. 1, exp. II.

<sup>68</sup> HALVERHOUT: 'De macht van de cacique', 1990, p. 46, JACOBS: 'Ranchero Revolt', pp. 48-51, Frans J. SCHRYER, *The rancheros of Pisaflores, the History of a Peasant Bourgeoisie in Twentieth-century Mexico*. Toronto, 1980, pp. 27-28.

<sup>69</sup> SCHENK: 'Dorpen', 1986, pp. 83-88.

appealed to the *jefe político*, and successfully. The *jefe político* had the villagers sign a contract, in which they stated that they:

«...wish that these lands benefit all sons of the village, as it used to be, that is before they [the seven] had laid claim to the lands.»

In addition, it was stipulated that a copy of the contract together with the seven title deeds would be deposited with a trusted representative, who was to keep it as the property of the entire village.<sup>70</sup>

Four years later, however, another conflict about the land arose, and the inhabitants again went to Sultepec to request mediation. But meanwhile another *jefe político* had been appointed, and he refused their request. However, the villagers did not reconcile themselves to this decision, appealing to the governor to have the 1887 contract ratified. In spite of the contravention of the privatisation legislation, Villada indeed complied with the request and the contract was ratified. Not until a few months later did the government add that the land of Xochitla had to be divided among all the inhabitants. Subsequently, this appeal was ignored.<sup>71</sup>

The villagers often appealed to the government in order not to honour the claims made by other villagers, outsiders, or neighbouring communities. A protest was lodged against more than a quarter of the claims submitted.<sup>72</sup> A protest was usually lodged because the submitters claimed land that was also being used by others. The claims of tenants of village lands were also systematically contested. It appears from the files of claims contested that false information was often supplied about certain conditions for the allotment: about the class of the land, its use in the past, the boundaries, but also about the origin and the age of the applicant. Such claims and protests were difficult to assess by the government. The district and municipal authorities frequently depended on the *jueces auxiliares* for their information. And even their answers were not always reliable. In such a situation, protests were usually successful. For fear of disturbance of law and order, the municipal and district authorities in general rejected contested claims, even in the case when such claims were legitimate, as with the tenants. It was sometimes expressly recorded in the files that the procedure had better be discontinued because otherwise peace and quiet would be endangered.<sup>73</sup>

The villagers did not hesitate to appeal. In case their efforts were abortive, the matter was not yet abandoned. Changes in government could be utilised to call old affairs to the attention of the new officials.<sup>74</sup> They also made use of the

<sup>70</sup> AHE MC: 079.0, vol. 154, exp. 51.

<sup>71</sup> *Idem*.

<sup>72</sup> SCHENK: Protest, vertraging en verzet', in preparation.

<sup>73</sup> A.M.S.: *Tierras*, c. 4, exp. IV.

<sup>74</sup> Authorization of their lawyer by the '*común y república*' of Almoloya in a case against a colonel of the liberal army, Registro Público de la Propiedad Civil (RPPC), Notary public I of the district of Sultepec, libro de protocolos de 1864, acts of 9-10-1864 and 10-10-1864; A.M.S.: *Tierras*, c. 2, exp. VII and c. 4, exp. IV.; see also: CARBÓ: *La Reforma*', pp. 143-144; DENNIS: *Inter-village Conflict*, 1987, pp. 65-71.

services of legal advisers and lawyers from the district or from Toluca. On the whole the villagers were quite able to handle the legal system.<sup>75</sup> Inasmuch as many conflicts arose within and between communities, it was, however, often a matter of an endless process with only temporary winners and losers. The fierce conflicts about *desamortización*—and thus about the boundaries of plots and villages— completely stopped privatisation in some parts of the district.

This situation occurred between the municipal headtowns of Amatepec and Tlatlaya. These neighbouring *cabeceras* had a long tradition of conflict and quarrelled about the possession of a very large area with an estimated value of 20,000 pesos.<sup>76</sup> The two villages themselves were also divided. Inhabitants of small *rancherías* claimed large pieces of land, one having a surface of 10 km<sup>2</sup>, at the expense of the *cabeceras*. Several *jefes políticos* had tried to mediate in these conflicts. Both Amatepec and Tlatlaya hired a surveyor to survey their territories. However, the surveying was stopped in both cases without any result and activities tended to increase the tensions.<sup>77</sup>

Amatepec and Tlatlaya both made use of a regularly adopted strategy of resistance, in which the villagers seemed in the first instance willing to cooperate in privatisation. They only posed certain conditions, such as breaking off the treatment of claims made by third parties. Later however, cooperation diminished or new conditions were made, such as the allotment of a disputed territory. At least three times the inhabitants of Tlatlaya requested the division and allotment of their territory in this way. In 1891, their request coincided with an invasion of land of the village of Santa Ana.<sup>78</sup> Early 1893, a lawyer applied to the government of the state requesting not to deal with claims by outsiders, because the village itself wanted to organise a division. The surveys caused protests from the neighbouring villages of San Juan and San Mateo and were eventually to be discontinued.<sup>79</sup> In 1898, the strategy was repeated: The *jueces auxiliares* of Tlatlaya requested the government to suspend some claims, offering to organise a division by mutual arrangement with the surrounding villages...<sup>80</sup> This request was also granted but again results failed to be produced. In 1899, the inhabitants of San Pedro complained to governor Villada about invasions of their lands by the inhabitants of Tlatlaya.<sup>81</sup> The repeatedly requested division was never to be undertaken. Some inhabitants of Tlatlaya were to claim their land individually at the beginning of the twentieth century.<sup>82</sup>

Violent resistance to the privatisation occurred regularly in the district. This usually concerned minor skirmishes around the boundaries. In 1891, however,

<sup>75</sup> A.M.S.: *Tierras*, c. 4, exp. IV; SCHRYVER: *Ethnicity*, 1990, pp. 106-107.

<sup>76</sup> A.M.S.: *Tierras*, c. 2, exp. VIII.

<sup>77</sup> A.M.S.: *Tierras*, c. 2, exp. IV and VIII. c. 3, exp. I.

<sup>78</sup> A.M.S.: *Tierras*, c. 2, exp. IV.

<sup>79</sup> A.M.S.: *Tierras*, c. 2, exp. VIII and c. 3, exp. I.

<sup>80</sup> A.M.S.: *Tierras*, c. 4, exp. IV.

<sup>81</sup> A.H.R.M., C. 078.0, v. 154, exp. 58.

<sup>82</sup> A.M.S.: *Tierras*, c. 6, exp. VIII.

the threat of violence was so massive that the mayor of Tlatlaya asked for military reinforcement. The unrest in the villages had been caused by the operations of a surveying company (*compañía deslindadora*). This company had been hired by the village of Santa Cruz, and immediately upon arrival of the staff the inhabitants of the surrounding villages had rebelled.<sup>83</sup>

A dramatic incidence occurred in the municipality of Amatepec in 1893. Here the owner of the *hacienda* La Goleta bought up land in the communities both before and after privatisation had been carried out. The occupants of the *ranchería* El Cristo felt seriously threatened by the *hacendado* family and appealed to the authorities. After their appeal to the *jefe político* had come to nought, they applied to Villada requesting him to allot the land to them. The governor complied with this request but the message arrived in the district too late. In the night, the *hacendado* and his son were killed by a group of peasants. The government sent soldiers in an attempt to subject them. It forced the inhabitants of Amatepec to declare that they would submit to the government's decrees about the division of their *terrenos de común repartimiento*. Indeed, they declared so much but here the matter ended.<sup>84</sup> The conflicts around the boundaries of the village and the claims from the *rancherías* were soon resumed.

It appears from those incidents that the government was rather powerless to do anything against violence on the part of the villages. Assaults were often committed at night, while the mountainous terrain offered the perpetrators adequate hiding places. Besides, they had ample opportunities to cross the frontier of the state before the arrival of reinforcements from Toluca.

## CONCLUSION

Privatisation of the communal properties of the villages in the district of Sultepec has been very chaotic. Over half a century after the promulgation of the Ley Lerdo, the privatisation in many villages had not been completed. The results that had been achieved, often showed serious shortcomings and gave rise to quarrels within the villages and among the villages.

The timing of the act was most unfortunate. In principle, the law had direct and drastic consequences for the majority of the Mexican population, whereas the political climate was not ripe for it by any means. Moreover, the act was obscure. In the first place, the text was aimed at the Church's real estate, and the regulations governing the communal landed property had to be developed later. To a considerable extent, this took place only in legislation of the states, which was to be promulgated during the Restored Republic. In those acts, the general

<sup>83</sup> A.H.E.M.: Gobierno, C. 091.1, v. 175, exp. 10.

<sup>84</sup> A.H.E.M.: Gobierno, C. 078.0, v. 154, exp. 50; A.M.S.: *Tierras*, c. 2, exp. VIII; RPPC, Not. I. Sul., lib. de prot. de 1893, act 107 of 12-7-1893.

prohibition against communal property laid down in the Constitution of 1857 was ignored, and the *ejidos* of the villages were exempted from privatisation. In addition, those acts introduced the principle of a procedure of privatisation organised by village or community. The authorities in the municipalities and the district were summoned to take the initiative for such a procedure.

However, these authorities were not equipped for this task. They did not have at their disposal the means and staff to carry out the division in the villages. Moreover, the boundaries of the villages were often contested, and were at stake in fierce conflicts. The villagers refused to abandon their claims to contested areas before these had been surveyed. Additionally, they objected to the cost involved in the procedure, the result being that the activities were often carried out poorly.

The renewed efforts undertaken by the federal and state governments about 1890 in order to carry out the privatisation, opened Pandora's box in the district of Sultepec. Although the Villada administration took great care not to force the *desamortización* in the villages, the new initiatives produced a revival of the tensions within and among villages. The *desamortización* gave the villagers and village communities an excuse to claim the contested land. This completely paralysed the privatisation in some parts of the district, for instance around the municipal headtowns of Amatepec and Tlatlaya.

The governments were quite conscious of the danger that these tensions around the village landed property could lead to an explosion. The Díaz administration moderated its privatisation policy at the beginning of the twentieth century. The government of the state of Mexico took more and more measures to improve the procedure of the privatisation. After the turn of the century, a special agency was created in Toluca for that purpose, the handling of claims and conflicts being more highly centralised. The government showed a high level of patience, and dealing with a single claim could take many years. This cautious and careful approach was presumably the only realistic method to achieve permanent results. However, the change of course was too late to have any degree of success. The Revolution put an end to the eventually moderated *desamortización* policy.